REMARKS

Claims 1-21 are currently pending. Claims 1, 8 and 15 have been amended herein. No new matter has been added by these amendments. Reconsideration and allowance of these Claims are respectfully requested.

112 Rejection

Claims 1, 8 and 15 are rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written restriction requirement. Applicants have amended Claims 1, 8 and 15 rendering the 112 rejection of these Claims moot. Consequently, Applicants respectfully request the withdrawal of the 112 rejection of these Claims.

Double Patenting Rejection

Claims 1, 8 and 15 are rejected under the judicially created doctrine of obviousness-type double patenting. Applicants have submitted a terminal disclaimer herewith. Consequently, Applicants respectfully request the withdrawal of the obviousness type double patenting rejection of these Claims.

102 Rejection

Claims 1-21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kuddes et al. (US Patent No. 5,353,287). Applicants have reviewed the recited references and respectfully submit that the embodiments of the present invention as are set forth in Claims 1-21 are neither anticipated nor rendered obvious by Kuddes et al. (US Patent No. 5,353,287).

The Examiner is respectfully directed to independent Claim 1. Claim 1 is reproduced below in its entirety for the convenience of the Examiner:

1. (Amended) A method for providing priority to a peripheral component in a congested network, said method comprising the steps of:

(a) detecting an unforced collision of a data packet during transmission of said data packet by a peripheral component coupled to a network;

(b) determining a restricted back off time, wherein said restricted back off time is substantially equal to or less than a restricted time value and is produced by a random number generator function; and

(c) causing said peripheral component to wait said restricted back off time before trying to retransmit said data packet over said network. (emphasis added)

Independent Claims 8 and 15 recite limitations similar to those of Claim 1. Claims 2-7 depend from independent Claim 1. Claims 9-14 depend from independent Claim 8. Claims 16-21 depend from independent Claim 15.

Kuddes et al. does not anticipate nor render obvious a method for providing priority to a peripheral component in a congested network, said method comprising "determining a restricted back off time, wherein said restricted back off time is substantially equal to or less than a restricted time value and is produced by a random number generator function" as is recited in independent Claims 1, 8, and 15. Kuddes et al. discloses that a *random function* is used to generate the "standard backoff multiple." As such Kuddes et al. appears to suggest that the function that is used to select the standard backoff multiple is itself randomly selected. This is contrasted to the invention set forth in Applicants' claims where the random number generator function is not selected at random.

Accordingly, nowhere does Kuddes et al. teach or suggest a method for providing priority to a peripheral component in a congested network that includes determining a

restricted back off time, wherein said restricted back off time is substantially equal to or less than a restricted time value and is produced by a random number generator function as is set forth in independent Claims 1, 8, and 15. Consequently, the Kuddes et al. reference simply does not teach the above noted limitation of amended independent Claims 1, 8, and 15. Accordingly, the embodiments of the Applicants invention as are set forth in Claims 1, 8 and 15 are neither anticipated nor rendered obvious by Kuddes et al.

Therefore, Applicants respectfully submit that Kuddes does not anticipate or render obvious the present Claimed invention as is recited in independent Claims 1, 8 and 15 and as such Claims 1, 8, and 15 traverse the Examiners basis for rejection under 35 U.S.C. 102(b). Accordingly, Applicants submit that Claims 1, 8, and 15 are in condition for allowance. In addition, Kuddes does not anticipate or render obvious the present invention as is recited in Claims 2-7, 9-14 and 16-21 which depend from independent Claims 1, 8 and 15 respectively. Therefore, Claims 2-7, 9-14 and 16-21 are also in condition for allowance as being dependent on an allowable base claim.

Conclusion

In light of the above-listed amendments and remarks, Applicants respectfully request allowance of the remaining Claims.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Dated: 6/8, 2005

Reginald A. Ratliff
Registration No. 48,098
Two North Market Street
Third Floor
San Jose, CA 95113
(408) 938-9060